



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Greg Sellers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Marilyn Librers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Greg Sellers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Marilyn Librers, Agency Member

WEDNESDAY, OCTOBER 21, 2009

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaim October 18-24, 2009 as National Friends of the Library Week
Carol O'Hare, President, Friends of the Morgan Hill Library

RECOGNITIONS

INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Marby Lee

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE COUNCIL SERVICES RECORDS COORDINATOR.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-5 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **Approval of the Special City Council Meeting Minutes of October 14, 2009** 1
2. **Acceptance of Trader Joe's Public Improvements for Walnut Grove Drive and Laurel Road** 3
Recommended Action(s):
 1. **Adopt** Resolution accepting Trader Joe's Public Improvements for Walnut Grove Drive and Laurel Road.
 2. **Direct** the City Clerk to file a Notice of Completion with the County Recorder's office.
3. **Third Street Promenade – October Progress Report**..... 9
Recommended Action(s): *Information Only*

4. **Proposition 1A Securitization Program** 15
Recommended Action(s):
1. **Approve** Resolution authorizing participation in Proposition 1A Securitization Program and approving form of documents.
5. **Purchase of Diesel Emission Control Strategy**..... 57
Recommended Action(s):
1. **Approve** purchase of Diesel Emission Control Strategies for two heavy-duty vehicles in the amount of \$29,545.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 6-7

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

6. **Approval of the Joint Regular City Council and Redevelopment Agency Meeting Minutes of September 23, 2009**..... 59
7. **Approval of the Special City Council and Joint Regular City Council and Redevelopment Agency Meeting Minutes of October 7, 2009**..... 77

City Council Action

PUBLIC HEARINGS:

Item 8

Time Estimate

Page

8. **15 Minutes** **Cost Recovery of Vehicle Tow and Storage Operations** (*Continued from October 7, 2009*)93
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
Council Discussion.
Recommended Actions:
1. **Adopt** Resolution the Enhanced Vehicle Impound Program Presented to the City Council on October 7, 2009; **OR**
2. **Direct** staff to implement an alternative fee system paid by tow operators in the form of either:
a. Full Recovery Program: franchise agreement with franchise payments based on all police-ordered tows and a portion of proceeds from the storage and sale of all stored vehicles; **OR**
b. Tow Operators' proposal: franchise agreement with franchise payments based only on a portion of proceeds from the storage and sale (no tow fee) and only on those vehicles that are impounded for certain Vehicle Code violations.

08 Supplemental 02
08 Supplemental 03

City Council Action

OTHER BUSINESS:

ITEMS 9-12

	Time Estimate		Page
9.	5 Minutes	<u>Award Police Storage Parking Lot</u>	199
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> project Plans and Specifications; and	
		2. <u>Award</u> contract to GradeTech Inc. in the amount of \$127,044 and authorize the City Manager to execute the related contract; and	
		3. <u>Authorize</u> expenditure of alternate Bid Item in the amount of \$3,750; and	
		4. <u>Authorize</u> expenditure of construction contingency funds not to exceed \$6,450.	
10.	5 Minutes	<u>Consideration of an Ordinance of the City of Morgan Hill Adding Section 18.02.055 (Unlawful Uses) and 18.02.065 (Unpermitted Uses) to the Morgan Hill Municipal Code to clarify that Unlawful and Unpermitted Uses are Prohibited</u>	203
		<u>Recommended Action(s):</u>	
		1. <u>Waive</u> the first and second reading of the Ordinance; and	
		2. <u>Introduce</u> Ordinance of the City of Morgan Hill adding Section 18.02.055 (Unlawful Uses) and 18.02.065 (Unpermitted Uses) to the Morgan Hill Municipal Code to clarify that Unlawful and Unpermitted uses are prohibited.	
11.	15 Minutes	<u>Adoption of RDSCS Policies: (1) Exceptions to Loss of Building Allocations (ELBAs); and (2) On-Going Project Allocations</u>	207
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> Policy Guidance for Decisions on Exception to the Loss of Building Allocation (ELBA) Requests filed by Developers; and	
		2. <u>Adopt</u> Policy for Allocations for Ongoing Programs.	
12.	10 Minutes	<u>Labor Costs and Proposal for Alternative PERS Retirement Structure Update and Status</u>	257
		<u>Recommended Action(s): Discuss</u> and consider future alternatives.	

Redevelopment Agency Action

OTHER BUSINESS:

ITEM 13

	Time Estimate		Page
13.	10 Minutes	<u>Downtown Leasing Strategy</u>	269
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> downtown leasing strategy.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

- | | | |
|------------------------|---|-----------------------------|
| a. Authority: | Government Code Section 54957.6 | |
| City Negotiators: | City Negotiators | City Manager, City Attorney |
| Employee Organization: | Morgan Hill Police Officers Association | |
| | Employees Covered under Management Resolution #6250 | |
| | AFSCME Local 101 | |
| | Morgan Hill Community Service Officers Association | |

Redevelopment Agency Action

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- | | |
|----------------------|---|
| a. Authority: | Government Code Section 54956.8 |
| Property: | APN 764-16-029; 17605 Monterey Road, Morgan Hill |
| Negotiating Parties: | Executive Director, Agency Counsel, BAHS Director |
| Property Owner: | Huntington Beach Brewing Company |
| Under Negotiation: | Price and Terms of Payment |

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items ***NOT*** appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the Council Services Records Coordinator for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the Council Services Records Coordinator. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chair, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency agenda, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.